

FEDERAL EXCLUSION LIST

The Health Insurance Portability and Privacy Act (HIPPA) of 1996 expanded and revised the US Department of Health and Human Services Office of Inspector General's (OIG) administrative sanction authorities by, among other things, establishing certain mandatory and discretionary exclusions for various types of misconduct.

The federal government will not reimburse Medicare or Medicaid services (1) furnished by an excluded individual or entity, or (2) directed or prescribed by an excluded physician. Convictions may be violations of federal or state law.

SEC. 1128(A) OF THE SOCIAL SECURITY ACT EXCLUSIONS
Conviction Of Program-Related Crimes Any individual or entity that has been convicted of a criminal offense related to the delivery of an item or service under title XVIII or under any State health care program.
Conviction Relating To Patient Abuse * Any individual or entity that has been convicted, under Federal or State law, of a criminal offense relating to neglect or abuse of patients in connection with the delivery of a health care item or service.
Felony Conviction Relating To Health Care Fraud Any individual or entity that has been convicted for an offense which occurred after April 2003, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a health care program (other than those specifically described in paragraph (1)) operated by or financed in whole or in part by any Federal, State, or local government agency, of a criminal offense consisting of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.
Felony Conviction Relating To Controlled Substance Any individual or entity that has been convicted for an offense which occurred after April 2003, under Federal or State law, of a criminal offense consisting of a felony relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.
Finding Of Patient Or Resident Abuse * Any substantiated finding by a State agency under section 1819(g)(1)(C) or 1919(g)(1)(C) of the Social Security Act (42 U.S.C. 1395i-3(g)(1)(C), 1396r(g)(1)(C)) or a Federal agency that a direct patient access employee has committed (A) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property.

To be in compliance with HIPPA, OIG urges providers to check the OIG List of Excluded Individuals/Entities on the OIG website <http://www.oig.hhs.gov/fraud/exclusions.html> prior to hiring or contracting with individuals or entities.

To be in compliance with the pilot, affected providers are required to check the OIG List of Excluded Individuals/Entities prior to hire. Providers are also required to consider these offenses along with the existing Wisconsin Offenses Affecting Caregiver Eligibility (Ch. HFS 12, Appendix A, WI Administrative Code) when making a fitness determination for a newly hired caregiver.

IMPORTANT NOTE: Most caregivers with convictions on the federal exclusion list may be employed as a caregiver if they have successfully completed a rehabilitation review through the Wisconsin Department of Health and Family Services.

Persons/entities who are listed on the federal OIG exclusion database may also apply for reinstatement through the OIG. More information on the exclusion database may be found at: <http://www.oig.hhs.gov/fraud/exclusions.html>

* Also contained in WI Offenses Affecting Caregiver Eligibility List